

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

ANDREW SAYERS,

Plaintiff,

v.

MICROSOFT CORPORATION; et al.,

Defendants.

CIVIL ACTION NO.: 4:24-cv-78

ORDER

Before the Court is Plaintiff's Notice of Dismissal of Defendants Take-Two Interactive Software, Inc., Rockstar Games, Inc., and Rockstar Games UK Limited f/k/a Rockstar North Limited f/k/a DMA Design Limited, (doc. 110), as well as Plaintiff's Notice of Dismissal of Defendants Microsoft Corporation and Mojang AB, (doc. 119), both of which were signed by counsel for Plaintiff. In the filings, Plaintiff notifies the Court of his voluntary dismissal of the claims asserted against the specified Defendants, none of which have filed an answer or a motion for summary judgment in this case. Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), a plaintiff may dismiss an action by filing "a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment." Because they have not filed an answer or a motion for summary judgment in this case, Defendants Take-Two Interactive Software, Inc., Rockstar Games, Inc., Rockstar Games UK Limited f/k/a Rockstar North Limited f/k/a DMA Design Limited, Microsoft Corporation and Mojang AB are **DISMISSED**. See Plains Growers, Inc. v. Ickes-Braun Glasshouses, Inc., 474 F.2d 250, 255 (5th Cir. 1973) ("[R]eading the rules

governing dismissal by notice and dismissal by motion together, we conclude that it was intended by the rule-makers to permit dismissal against such of the defendants as have not served an answer or motion for summary judgment”).¹ The Court **DIRECTS** the Clerk of Court to **TERMINATE** them from this case, to terminate the pending motions filed by them, (docs. 73, 75, 79 and 109), and to **UPDATE** the docket accordingly.²

SO ORDERED, this 12th day of November, 2024.

A handwritten signature in blue ink, appearing to read "R. Stan Baker", is positioned above a horizontal line.

R. STAN BAKER, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA

¹ In Bonner v. City of Prichard, 661 F.2d 1206, 1209 (11th Cir. 1981) (en banc), the Eleventh Circuit adopted as binding precedent all decisions of the former Fifth Circuit handed down prior to October 1, 1981.

² The Court further **DIRECTS** the Clerk of Court to terminate Plaintiff's Notices of Dismissal, (docs. 95, 110 and 119), as pending motions on the docket of this case, as they have been addressed by this Order and the Court's October 8, 2024, Order, (doc. 97).